

DEFENDANT'S EXHIBIT 2

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
Alexandria Division**

GLENN H. STEPHENS, III,)	
)	
Plaintiff,)	
)	
vs.)	Civil Action No. 1:15cv726
)	
TINA QUARLES,)	(Formerly Falls Church General
)	District Court, No. GV15-85)
Defendant.)	
_____)	

DECLARATION OF CANDACE B. GLOVER
UNITED STATES DEPARTMENT OF AGRICULTURE

I, Candace B. Glover, make this declaration pursuant to 28 U.S.C. § 1746. I declare as follows:

1. I am employed by the United States Department of Agriculture (“USDA”), and I am currently Director of the Corporate Services Division, located in Washington, D.C. I have served in this capacity from approximately December 15, 2014, to the present.

2. As Director of the Corporate Services Division, I have access to the records contained within the USDA’s system database. The system database includes records of administrative claims submitted to the USDA under the Federal Tort Claims Act. The system database also contains records of informal and formal complaints submitted to the USDA under other statutory provisions, *e.g.*, Title VII, 42 U.S.C. §§ 2000e–2(a)(1)–(a)(2), *et seq.* All administrative claims, informal and formal complaints submitted to the USDA are indexed into the agency’s database. Once indexed, a record of an administrative claim, informal or formal complaint is retrievable through a search of the general USDA’s database.

3. As of June 16, 2015, I have made a diligent search of the USDA’s database for any records retrievable to the name of plaintiff Glenn Stephens. Mr. Stephens has one open EEO

complaint for which he has waived anonymity. This EEO complaint was filed on May 22, 2015, and is in the informal processing stage.


4. The EEO complaint, dated May 22, 2015, alleges discrimination and harassment based on race and reprisal against Dona Marshall, Acting Chief of the Employment Investigation Division, and Tina Quarles, former Acting Team Lead of the Employment Investigation Division. *See* May 22, 2015 Complaint, attached as Exhibit A.

5. On June 12, 2015, Mr. Stephens sent email correspondence indicating that he wanted to file formally with his pending EEO complaint.

6. This search disclosed no record of any administrative claims submitted to the USDA under the Federal Tort Claims Act by or on behalf of Mr. Stephens, the plaintiff in the above-captioned lawsuit.

I declare under penalty of perjury that the foregoing is true and correct to my knowledge.

Executed this 16th day of June, 2015

A handwritten signature in black ink, appearing to read "Candace B. Glover", with a horizontal line extending to the right.

Candace B. Glover
Director, Corporate Services Division
U.S. Department of Agriculture

EXHIBIT A



**U.S. DEPARTMENT OF AGRICULTURE
CORPORATE SERVICES DIVISION
EEO COUNSELING INTAKE FORM**

AGGRIEVED PERSON(AP): DR. GLENN STEPHENS ESQ.			
Complaint No.:			
Date of Initial Contact with the EEO Office		April 22, 2015 (most recent incident May 20, 2015)	
Date form received		May 22, 2015	
Name of Aggrieved Person		Dr. Glenn Stephens	
Job Title, Series and Grade		Contracted by Panum LLC to prove EOS services in EID but I am an employee under the common law of agency test applied by the EEOC for Title VII purposes in <i>Ma v. HHS, Koob v. USPS, Maynard v. Navy</i> and related cases.)	
Email Address		Drghs3@gmail.com	
Home Address		210 East Fairfax Apt 302 Falls Church VA 22046	
Home Telephone Number		202-258-6521	
Work Telephone Number		None	
Cell phone Number		202-158-6521	
Office Title and Work Location		NA after 5/25	
<p>Designation of Representative: You have the right to retain representation of your choice. If you want someone other than yourself to represent you, you must elect the representative in writing. The representative can be anyone of your choosing. You may elect to have a representative at any stage in the process.</p>			
Name of Representative:			
Representative's Address:			
Representative's Phone Number:			
Is your representative an employee of the Department? Yes _____ No _____			
<p>Anonymity: You have the right to remain anonymous at the counseling stage of EEO Complaint Processing. Do you wish to remain anonymous?</p> <p>Yes _____ No _____ X _____</p>			
<p>ALLEGED BASES: Check and specify the basis(es) on which you believe you were discriminated against. If you are alleging age discrimination, give your date of birth. To file a complaint based on age, you must have been at least 40 years old when the incident occurred. If you're alleging discrimination based on handicap, give the nature of your handicap. If you are alleging discrimination based on retaliation/reprisal, you must have had prior involvement in the EEO complaints process. For example previously entered counseling, filed a formal complaint, or witness in a complaint.</p>			
X	1. Race	5. Sex (Female)	X 11. Reprisal
X	Specify: Caucasian	6. Sex (Male)	X Specify: Opposition to Harassment, Contact with CSD Complaints
	2. Color:	7. Sex (Gender Expression)	12. Genetic Information
	Specify:	8. Religion	13. Sexual Orientation
	3. Age	Specify:	14. Political Party
	Specify DOB:	9. Mental Disability	15. Parental Status
	4. National Origin	Specify:	16. Marital Status
	Specify Place of Origin:	10. Physical Disability	17. Other
		Specify:	Specify:
<p>Claims of discrimination on the following bases are not covered by Federal anti-discrimination statutes: political belief, sexual orientation, marital status, family status, or parental status. Consequently, individuals who file EEO</p>			



U.S. DEPARTMENT OF AGRICULTURE
CORPORATE SERVICES DIVISION
EEO COUNSELING INTAKE FORM

discrimination complaints on these bases have **NO** appeal rights after a final agency decision **AND NO** rights to a hearing before the Equal Employment Opportunity Commission.

CLAIMS/MATTERS AT ISSUE:

	01. Appointment/Hire		09. Disciplinary Action		17. Reassignment-Request Denied
X	02. Assignment of Duties		10. Duty Hours	X	18. Reassignment-Directed
	03. Awards		11. Examination/Test		19. Reinstatement
	04. Equal Pay Act Violation		12. Evaluation/Appraisal		20. Retirement
	05. Demotion	X	13. Harassment/Non-Sexual		21. Time & Attendance
X	06. Reprimand		14. Sexual Harassment		22. Training
	07. Suspension		15. Pay Including Overtime		23. Terms/Conditions of Employment
X	08. Termination	X	16. Promotion/Nonselection		24. Reasonable Accommodation
	25. Other (Specify)				

INCIDENTS

Please identify the incident(s) giving rise to the complaint and provide the date of each incident/claim:

I am the only white in EID (I am 1/8 Latino). I am also one of the very few non-blacks working in OA. Indeed, there are very few white, Asians or Latinos in the OASCR.

Between March and the present, EID Acting Team Lead Dona Marshall (African American) failed to stop, remedy and prevent bullying by Tina Quarles. Ms. Marshall (Dona) also discriminated against me in terms and conditions of employment (only EOS without a lap top, all the black EOSs had lap tops) and assignments/reassignments (although I had good working relationship with AMS and ARS, in part because the black EOS also assigned to those Agencies seldom came to work and did poor quality work, I was moved to APHIS and RMA and then soon after to Forest Service in the span of a few months. Any black EOS was moved about that many times in that same period. When I was moved from APHIS, APHIS was assigned to a part-time black employee, who could not handle those Agencies working two days a week, I had to split my time between APHIS and FS. No black EOS had to split their time in this way,).

In April Candace Glover of CSD came to my cubicle and asked me if I might be interested in writing FADs in CSD. Ms. Marshall harassed and retaliated against my position to Tina's bullying by blocking any move to CSD - claiming to Candace that I was needed in EID. Then not long after she claimed I was need in EID, Dona terminated me.

Even assuming for the sake of argument that I had sought out a position writing FADs in CSD, that would not constitute grounds for termination. Both Ken Baisden and Dona Marshall have repeated encouraged EID employees to seek out career advancement opportunities and expressed their support for our advancement efforts. For example when a black male EOS Andre Bruce left EID to work as an Assistant District Attorney, his move was lauded by Dona and feted by EID. Although Dona congratulated Andre Bruce for moving "to better things" as she put it in an email, her discriminatory response to the only white EOS pondering the same was quite different - that white employee (me) was terminated.

Having blocked my move to CSD, Dona then terminated my contract for the pretextual and false reason that I sent a business development letter introducing Candace Glover to Dhavid Cayan, Assistant Director of Acquisitions, Panum Group, LLC. I wrote this letter at Dhavid's recommendation as a possible way of helping Panum's business expand (such business development is part of the bonus and incentive structure at Panum and encouraged by the company). This reason for termination is baseless pretextual and false. Not black employee has or would be terminated for such a reason.

Since March Tina Quarles has harassed me on the basis of race (no black EOS was similarly bullied) with verbal, gossip, unfair criticism, and the misrepresentation of my work to Dona and others. Because Dona did nothing to stop Tina's bullying I went over Dona's head to Carl Ruiz. But little was done, The only action take was Tina's removal as Acting Team Lead. Because in April, OA leadership failed to take appropriate action to remedy, prevent and stop Tina's bullying, OA leadership paved the way for more bullying and harassment in May.

On Wednesday May 20, Tina harassed me by loudly asking Jeff Chandler to move a case with a late case age **REDACTED** from her assignments on the case tracking and SLR sheets back to me (I had the case previously, but Tina took it over on April 15). Tina asked this of Jeff knowing I was within earshot (I sit across from her).



U.S. DEPARTMENT OF AGRICULTURE
CORPORATE SERVICES DIVISION
EEO COUNSELING INTAKE FORM

To me this was almost like taunting in sports – Tina was signaling to me that because OA leadership did nothing of consequence in April when I complained about her harassment that now, in May, she could do as she pleases. The result was an act of bravado and arrogance – Tina loudly asked Jeff, within my earshot, to move REDACTED from her assignments back to mine as a way of improving her timeliness numbers and hurting mine. In making this request that Jeff fabricate his tracking sheets, Tina also threw in an insult at my handling of REDACTED prior to her assignment to the case. She said “That case was screwed up when I got it, and I’m taking it.”

Tina did not request that Jeff move one or more of her late cases to a black EOS on his charts. Like her other acts of harassment in March, April and May, only the white EOS was singled out for this bullying and harassment.

But this is not the only falsification of USDA records done as a means of harassing me.

Since April Michelle Griffin, at Dona’s direction, has been fabricating, doctoring, and altering work report information. Jackie Williams was a witness to Dona’s instructions in this regard. And Jackie documented what she heard in an email. I can detail with specificity how Michelle did this with my work reports.

In addition, Jeff Chandler has falsified records related to my cases, most importantly, the open case report. In that report, 4 cases that were wrongly tacked onto my actual cases, doubling the number of cases over 150 days, creating the appearance that my timely case handling worse than it actually was. I calculated that this wrongful addition of 4 cases to my entries on the open case report moved me from a close 4th place in EID for fewest cases over 150 days to next to last among the EOSs.

Michelle and Jeff both doctored my case entries on USDA records like work reports or the open case report or the tracking sheets by adding cases that were closed, settled, withdrawn, or handled by someone else to my cases. If this happened once, it would be explained as an honest mistake. But in fact, it happened over and over. And each time, I would correct the mistake and ask Michelle or Jeff to correct it, only to have it happen again. After about a month of catching Jeff and Michelle their chicanery, they must have realized that I was catching all their fabrications and misrepresentations and their erroneous entries stopped.

But Jeff was receptive to Tina’s suggestion that he give REDACTED back to me. Why? Because Jeff knew that when the next tracking sheets issued that I would no longer be around to catch the error.

In a nutshell, since March, it appears that Dona and Tina have been trying to drive me out of EID or catch or invent mistakes that they could use to justify my removal. This modus operandi was used in EID over and over again to remove contractors. Indeed, I heard Violet Hall and Dona scheming to remove Yamile Jaskille for pretextual reasons, despite the fact that Yamile had done nothing but ask an innocuous question about break time and hours over holidays. But Yamile was not black and his question angered Michelle (Michelle is black and Dona’s pet). And in a racist work climate like EID, a non-black EOS may not have the audacity to anger one of the black EOSs. So Violet and Dona schemed to invent pretextual reasons to remove Yamile.

There is simple logic about how EID, OA, and OASCR function. A logic that is a mirror image of Jim Crow or apartheid. It is very hard, almost impossible for those of the “wrong” skin color or the “wrong” race to gain positions in EID, OA, OASC. And if someone of the “wrong” race gains a position, even as a contractor, they must walk on eggs shells lest their slightest misstep generates retribution from someone with the “right” skin color.

How can this be? In a “Civil Rights” Division? The best analysis of how repressed or formerly oppressed persons of color come to adopt the mindset or behavioral patterns of their oppressors or former oppressors, is Franz Fanon’s Black Skins, White Masks. EID, OA, and OASCR are largely run by individuals with black skin, but that black skin masks racist conduct that is a mirror image of Jim Crown and Apartheid, albeit with skin colors reversed.

Since racism of any type, reverse or not, disgusts me (my brother-in-law, niece and nephew are black), I feel compelled to raise the broader institutional problems in EID, OA, and OASCR. Not only in this complaint, but in coming weeks through a variety of other means – op eds, press releases and conference, demonstration, journal articles, with political contacts and the media. The problem is larger than my complaint, the problem is systemic.



**U.S. DEPARTMENT OF AGRICULTURE
CORPORATE SERVICES DIVISION
EEO COUNSELING INTAKE FORM**

ALLEGED RESPONSIBLE MANAGEMENT OFFICIAL

What is the name and position of the person(s) you believed discriminated against you?

**Dona Marshall Acting Chief
Tina Quarles former Acting Team Lead**

Have you discussed this matter with the person(s) you believe is responsible? If so, what explanation did he/she give you?

Not much. Dona was as much of the problem as Tina.

OTHER WITNESSES

Are there any witnesses who have direct knowledge of the matter? Please give me the name and work telephone number of each witness and what you believe they know about the matters at issue.

Jackie Williams (heard Dona direct Michelle to enter inaccurate work report information)

OTHER FORUMS

Have you filed a union grievance? Yes _____ No X

If so, what is the status of your grievance?

Have you filed an appeal with the Merit Systems Protection Board? Yes _____ No X

If so, what is the status of the MSPB appeal?

PRIOR EEO PARTICIPATION

Have you participated previously in the EEO process? If so, when?

Not federal employee type.

If you have participated previously in the EEO process, what is the current status of the action(s)?

None.

What is the date of the most recent incident you would like to discuss with an EEO Counselor?

May 20, 2015.

Request for Relief: What are you seeking in relief?

Tina Quarles must be referred to counseling/therapy, take one week of bullying training, take one week of sensitivity training, and must be placed put on a PIP with close monitoring of conduct issues.

Dona – Removed as Acting Chief of EID, not promoted to Chief of EID.

One month of paid administrative leave, so that I can regain my health.

Compensatory damages for all medical expenses since March.

Reinstatement of all sick time and other leave time used to medical reasons since March.

My reinstatement in another position outside EID – for example as a FAD writer in CSD or as mediator in the Early Resolution and Conciliation Division – for a period of two years.



U.S. DEPARTMENT OF AGRICULTURE
CORPORATE SERVICES DIVISION
EEO COUNSELING INTAKE FORM

Request for Relief Continued:

Upon reinstatement in a position outside EID, accommodation of my disability (chronic insomnia) with one day of telework a week in the first year and, upon review, the addition of a second day of telework in the second year.

EID, OA and OASCR must agree to increase the diversity of their workforce, both permanent and contingent.

ELECTION OF PARTICIPATION - INFORMAL EEO COMPLAINT PROCESS

(Please Check One)

☐ **Alternative Dispute Resolution (ADR)**

☒ **Traditional EEO Counseling**

NOTICE OF RIGHTS AND RESPONSIBILITIES

Has the Aggrieved been given a **written copy** of their Notice of Rights and Responsibilities?

YES ☒ X

NO ☐

DOCUMENTATION

Please attach any documentation you wish to support your allegation(s). A copy of any written action(s) which caused you to seek counseling at this time should be attached.
I will provide documentation at counseling or soon thereafter

NOTE: Please review this form and make whatever corrections are necessary, then sign and return one copy of this form **immediately** so that the Intake Manager/EEO Counselor may be able to assist you

Signature

5/22/15

Date

Enclosures: Certificate of Receipt of Rights and Responsibilities, EEO Complaint Process Flow Chart
Fact Sheet on Traditional EEO Counseling and ADR

CSD Use Only.

Date complaint received: _____

Date of Contact/Intake: _____

Contact Person's Name: _____

If ADR elected, date file sent to ADR Sp: _____

Date ADR Concluded: _____ Resolved () Yes () No

If Counseling elected, date file sent for counselor assignment: _____